

over any offense committed by a member of the Pueblo or an Indian as defined in title 25, sections 1301(2) and 1301(4), or by any other Indian-owned entity.

“(c) JURISDICTION OF THE UNITED STATES.—The United States has jurisdiction over any offense described in chapter 53 of title 18, United States Code, committed by or against an Indian as defined in title 25, sections 1301(2) and 1301(4) or any Indian-owned entity, or that involves any Indian property or interest.

“(d) JURISDICTION OF THE STATE OF NEW MEXICO.—The State of New Mexico shall have jurisdiction over any offense committed by a person who is not a member of a Pueblo or an Indian as defined in title 25, sections 1301(2) and 1301(4), which offense is not subject to the jurisdiction of the United States.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentleman from Colorado (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RADANOVICH. I yield myself as much time as I may consume.

Mr. Speaker, S. 279, a bill sponsored by Senator DOMENICI, clarifies the uncertainty and potential law enforcement jurisdiction problems on all 19 Indian Pueblo reservations in the State of New Mexico.

From 1913 to 2001, the United States Government prosecuted crimes committed by or against the New Mexico Pueblo Indians within the exterior boundaries of their reservation lands in the State of New Mexico. However, in 2001, a Federal judge, relying on a case about tribal jurisdiction in the State of Alaska, ruled that felonies committed by Indians on private lands within the boundaries of New Mexico Pueblos are not subject to Federal jurisdiction. The U.S. Attorney for New Mexico did not appeal the decision and, therefore, has failed to prosecute any felonies by or against Indians on these lands.

At the same time that the Federal Government was declining to prosecute any felonies on Indian Pueblo lands, a New Mexico State court ruled that the State of New Mexico lacked jurisdiction to prosecute felonies committed by an Indian defendant against a non-Indian on private lands within the Pueblos. As a result, there is currently a large void in criminal jurisdiction at the Federal, State, and tribal levels.

S. 279 corrects this void of jurisdiction by clarifying that, one, the United States will have jurisdiction over crimes defined under the Major Crimes Act committed by or against any Indian; two, the State of New Mexico will have jurisdiction clarified as to non-

member Indians or non-Indians for all non-Major Crimes Act offenses; and, three, the New Mexico Pueblo governments will have jurisdiction over their individual members or other Indians for other offenses.

S. 279 enjoys bipartisan support and has the support of the entire New Mexico delegation. I look forward to passing this necessary legislation and urge its timely enactment in this session.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of Colorado. Mr. Speaker, I yield myself such time as I may consume.

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of this legislation and to pay particular tribute to our colleague from New Mexico (Mr. UDALL). Mr. UDALL introduced a companion bill as H.R. 600, and he has been a true champion for passage of this important legislation. He has worked tirelessly to impress upon us the urgency and the timeliness of these provisions.

Once enacted, as my good friend from California pointed out, this language will clarify the boundaries of criminal jurisdiction among the State, county, and tribal governments for lands on and near the New Mexico Pueblos.

As a result of some recent court decisions in New Mexico, certain Indian lands have gone without any government protection from criminal acts. As the former Attorney General of New Mexico, Mr. UDALL understands fully that this put Native Americans in his district in a very perilous position.

I congratulate the gentleman from New Mexico for his tenacity in getting this issue to the forefront and commend him on the humility he showed in insisting the Senate bill be moved, rather than his own, in order to more quickly enact the legislation. Knowing him as I do, I am not surprised that he put doing the right thing for the Pueblos of New Mexico far ahead of scoring political points.

I strongly support this bill and urge all of our colleagues to support passage of Senate bill 279.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in support of Senate bill 279, legislation that amends the Indian Pueblo Land Act of June 7, 1924, to provide for the exercise of criminal jurisdiction within the exterior boundaries of Pueblo lands. Earlier this session, I introduced a companion to this bill on behalf of myself and cosponsors HEATHER WILSON and STEVAN PEARCE.

This legislation addresses confusion over criminal jurisdiction on Pueblo lands in New Mexico that arose out of the holding in *United States v. Jose Gutierrez*, an unreported decision of a Federal district court judge in the district of New Mexico that overturned

prior precedent regarding the jurisdictional status of the lands within the exterior boundaries of Pueblo grants.

The Gutierrez decision created uncertainty and the potential for a void in criminal jurisdiction on Pueblo lands. Some call these prosecution-free zones. Because of the risk to public safety and law enforcement arising out of this uncertainty, it is important that we clarify the scope of criminal jurisdiction on Pueblo lands.

Nothing in this legislative clarification is intended to diminish the scope of Pueblo civil jurisdiction within the exterior boundaries of Pueblo grants, which is defined by Federal and tribal laws and court decisions.

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This legislation also does not, in any way, diminish the exterior boundaries of these grants. The All-Indian Pueblo Council of the 19 Pueblo Governors has agreed to the language included in this legislation. The governors recognize the urgency of this matter and have come to Congress asking that we do everything in our power to avoid the unfathomable situation of creating places in New Mexico where someone could literally get away with murder. We here in Congress must also recognize the urgency of this situation and take action to address it.

By closing the criminal jurisdictional loophole, we have opened the doors to justice for victims and their families. The Pueblo members and victims who fought for this legislation have demonstrated an unrelenting dedication to change the system for the better, and in doing so, they have ensured that others will never face the same scary situation.

I want to thank all the New Mexicans who fought for this legislation. I also sincerely appreciate the work of my colleagues Representatives HEATHER WILSON and STEVAN PEARCE in the House and Senators DOMENICI and BINGAMAN.

Mr. UDALL of Colorado. Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

Mr. RADANOVICH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the Senate bill, S. 279.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

PITKIN COUNTY LAND EXCHANGE ACT OF 2005

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1129) to authorize the exchange of certain land in the State of Colorado, as amended.

The Clerk read as follows:

H.R. 1129

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pitkin County Land Exchange Act of 2005".

SEC. 2. PURPOSE.

The purpose of this Act is to authorize, direct, expedite, and facilitate the exchange of land between the United States, Pitkin County, Colorado, and the Aspen Valley Land Trust.

SEC. 3. DEFINITIONS.

In this Act:

(1) ASPEN VALLEY LAND TRUST.—

(A) IN GENERAL.—The term "Aspen Valley Land Trust" means the Aspen Valley Land Trust, a nonprofit organization as described in section 501(c)(3) of the Internal Revenue Code of 1986.

(B) INCLUSIONS.—The term "Aspen Valley Land Trust" includes any successor, heir, or assign of the Aspen Valley Land Trust.

(2) COUNTY.—The term "County" means Pitkin County, a political subdivision of the State of Colorado.

(3) FEDERAL LAND.—The term "Federal land" means the land directed for exchange between the United States Forest Service, the Bureau of Land Management, and Pitkin County under this Act that is comprised of the following parcels:

(A) The approximately 5.5 acres of National Forest System land located in the County, as generally depicted on the map entitled "Ryan Land Exchange-Wildwood Parcel Conveyance to Pitkin County" and dated August 2004.

(B) The 12 parcels of National Forest System land located in the County totaling approximately 5.92 acres, as generally depicted on the map entitled "Ryan Land Exchange-Smuggler Mountain Patent Remnants Conveyance to Pitkin County" and dated August 2004.

(C) The approximately 40 acres of Bureau of Land Management land located in the County, as generally depicted on the map entitled "Ryan Land Exchange-Crystal River Parcel Conveyance to Pitkin County" and dated August 2004.

(4) NON-FEDERAL LAND.—The term "non-Federal land" means the land directed for exchange between Pitkin County and the United States Forest Service under this Act that is comprised of the following parcels:

(A) The approximately 35 acres of non-Federal land in the County, as generally depicted on the map entitled "Ryan Land Exchange-Ryan Property Conveyance to Forest Service" and dated August 2004.

(B) The approximately 18.2 acres of non-Federal land located on Smuggler Mountain in the County, as generally depicted on the map entitled "Ryan Land Exchange-Smuggler Mountain-Grand Turk and Pontiac Claims Conveyance to Forest Service".

(5) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 4. LAND EXCHANGE.

(a) IN GENERAL.—If the County offers to convey to the United States title to the non-Federal land that is acceptable to the Secretary, the Secretary and the Secretary of the Interior shall—

(1) accept the offer; and

(2) on receipt of acceptable title to the non-Federal land, simultaneously convey to the County, or at the request of the County, to the Aspen Valley Land Trust, all right, title, and interest of the United States in and to the Federal land, subject to all valid existing rights and encumbrances.

(b) TIMING.—

(1) IN GENERAL.—Except as provided in paragraph (2), it is the intent of Congress that the land exchange directed by this Act shall be completed not later than 1 year after the date of enactment of this Act.

(2) EXCEPTION.—The Secretary, the Secretary of the Interior, and the County may agree to extend the deadline specified in paragraph (1).

SEC. 5. EXCHANGE TERMS AND CONDITIONS.

(a) EQUAL VALUE EXCHANGE.—The value of the Federal land and non-Federal land directed to be exchanged under this Act—

(1) shall be equal; or

(2) shall be made equal in accordance with subsection (c).

(b) APPRAISALS.—

(1) IN GENERAL.—The value of the Federal land and non-Federal land shall be determined by the Secretary through appraisals conducted in accordance with—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions;

(B) the Uniform Standards of Professional Appraisal Practice; and

(C) Forest Service appraisal instructions.

(2) VALUE OF CERTAIN FEDERAL LAND.—In conducting the appraisal of the parcel of Federal land described in section 3(3)(C), the appraiser shall not consider the easement required for that parcel under subsection (d)(1) for purposes of determining the value of that parcel.

(c) EQUALIZATION OF VALUES.—

(1) SURPLUS OF NON-FEDERAL LAND.—If the final appraised value of the non-Federal land exceeds the final appraised value of the Federal land, the County shall donate to the United States the excess value of the non-Federal land, which shall be considered to be a donation for all purposes of law.

(2) SURPLUS OF FEDERAL LAND.—

(A) IN GENERAL.—If the final appraised value of the Federal land exceeds the final appraised value of the non-Federal land, the value of the Federal land and non-Federal land may be equalized by the County—

(i) making a cash equalization payment to the Secretary;

(ii) conveying to the Secretary certain land located in the County, comprising approximately 160 acres, as generally depicted on the map entitled "Sellar Park Parcel" and dated August 2004; or

(iii) using a combination of the methods described in clauses (i) and (ii), as the Secretary and the County determine to be appropriate.

(B) DISPOSITION AND USE OF PROCEEDS.—

(i) DISPOSITION OF PROCEEDS.—Any cash equalization payment received by the Secretary under subparagraph (A)(i) shall be deposited in the fund established by Public Law 90-171 (commonly known as the "Sisk Act") (16 U.S.C. 484a).

(ii) USE OF PROCEEDS.—Amounts deposited under clause (i) shall be available to the Secretary, without further appropriation, for the acquisition of land or interests in lands in Colorado for addition to the National Forest System.

(d) CONDITIONS ON CERTAIN CONVEYANCES.—

(1) CONDITIONS ON CONVEYANCE OF CRYSTAL RIVER PARCEL.—

(A) IN GENERAL.—The Secretary of the Interior shall not convey to the County the parcel of land described in section 3(3)(C) until the County grants to the Aspen Valley Land Trust, the Roaring Fork Conservancy, or any other entity acceptable to the Secretary of the Interior and the County, a permanent conservation easement to the parcel, the terms of which—

(i)(I) provide public access to the parcel; and

(II) require that the parcel shall be used only for recreational, fish and wildlife conservation, and open space purposes; and

(ii) are acceptable to the Secretary of the Interior.

(B) REVERSION.—In the deed of conveyance that conveys the parcel of land described in section 3(3)(C) to the County, the Secretary of the Interior shall provide that title to the parcel shall, at the discretion of the Secretary of the Interior, revert to the United States at no cost to the United States if—

(i) the parcel is used for a purpose other than that described in subparagraph (A)(i)(II); or

(ii) the County or the entity holding the conservation easement elect to discontinue administering the parcel.

(2) CONDITIONS ON CONVEYANCE OF WILDWOOD PARCEL.—In the deed of conveyance of the parcel described in section 3(3)(A) to the County, or at the request of the County, to the Aspen Valley Land Trust, the Secretary shall, as determined appropriate by the Secretary in consultation with the County, reserve to the United States a permanent easement to the parcel for the location, construction and public use of the East of Aspen Trail.

SEC. 6. MISCELLANEOUS PROVISIONS.

(a) INCORPORATION, MANAGEMENT, AND STATUS OF ACQUIRED LAND.—

(1) IN GENERAL.—Land acquired by the Secretary under this Act shall become part of the White River National Forest.

(2) MANAGEMENT.—On acquisition, land acquired by the Secretary under this Act shall be administered in accordance with the laws (including rules and regulations) generally applicable to the National Forest System.

(3) LAND AND WATER CONSERVATION FUND.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the White River National Forest shall be deemed to be the boundaries of the White River National Forest as of January 1, 1965.

(b) REVOCATION OF ORDERS AND WITHDRAWAL.—

(1) REVOCATION OF ORDERS.—Any public orders withdrawing any of the Federal land from appropriation or disposal under the public land laws are revoked to the extent necessary to permit disposal of the Federal land.

(2) WITHDRAWAL OF FEDERAL LAND.—On the date of enactment of this Act, if not already withdrawn or segregated from entry and appropriation under the public land laws (including the mining and mineral leasing laws) and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.), the Federal land is withdrawn, subject to valid existing rights, until the date of the conveyance of the Federal land to the County.

(3) WITHDRAWAL OF NON-FEDERAL LAND.—On acquisition of the non-Federal land by the Secretary, the non-Federal land is permanently withdrawn from all forms of appropriation and disposition under the public land laws (including the mining and mineral leasing laws) and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.).

(c) BOUNDARY ADJUSTMENTS.—The Secretary with jurisdiction over the land and the County may agree to—

(1) minor adjustments to the boundaries of the Federal land and non-Federal land parcels; and

(2) modifications or deletions of parcels and mining claim remnants of Federal land or non-Federal land to be exchanged on Smuggler Mountain.

(d) MAP.—If there is a discrepancy between a map, acreage estimate, and legal or other description of the land to be exchanged under this Act, the map shall prevail unless the Secretary with jurisdiction over the land and the County agree otherwise.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentleman from Colorado (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RADANOVICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1129, introduced by the gentleman from Colorado (Mr. UDALL), would authorize a small land exchange in Pitkin County, Colorado, between the Bureau of Land Management, the U.S. Forest Service, and Pitkin County. The bill would transfer 35 acres, once a part of the Ryan Ranch, in White River National Forest, to the Forest Service. This property is nearly surrounded by public land and valued by the communities as open space. In exchange, the county would acquire 5.5 acres known as the Wildwood parcel from the Forest Service and a total of 45.92 acres from the Bureau of Land Management consisting of mining claims and land along the Crystal River. The BLM parcels about county land, and the Crystal River land will be subject to permanent conservation easement for public access.

The exchange is strongly supported by local officials and would help consolidate public and private ownership of Pitkin County.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I obviously rise in support of this bill which I introduced, and which is cosponsored by my colleague from Colorado (Mr. SALAZAR). I want to thank Chairman POMBO and Ranking Member RAHALL, as well as Subcommittee Chairman WALDEN and Ranking Member TOM UDALL for making it possible for this bill to be on the floor today.

The bill provides for completion of the land exchange that involves Pitkin County, Colorado, on the one hand and two Federal agencies, the Forest Service and the BLM, on the other.

Under the exchange, the County will transfer two parcels to the Forest Service, a 5-acre tract known as the Ryan property, near the ghost town of Ashcroft; and in addition, about 18.2 acres on Smuggler Mountain near Aspen, Colorado. These acquisitions will complete the Ashcroft Preservation Project, which was initiated by the Forest Service in 1980 to consolidate its National Forest land ownership in and around the historic ghost town of Ashcroft.

They will also help the Forest Service better manage its lands on Smuggler Mountain, a heavily used recreational area directly above the City of Aspen.

In return, the Federal Government will transfer to the County; first, a 5.5 acre tract south of Aspen known as the Wildwood parcel, which the county in turn will transfer to private ownership after reserving a permanent public easement for a trail.

Second, nearly 6 acres, spread over 12 scattered locations on Smuggler Mountain that abut or are near lands owned by the county.

And, finally, a 40-acre tract of BLM land along the Crystal River, which will be subject to a permanent conservation easement limiting future use to recreational, fish and wildlife, and open-space purposes.

The bill, Mr. Speaker, requires standard appraisals of all properties involved. It provides that if the lands going to the county are worth less than what the county is giving to the Federal Government, the county will waive additional payment. On the other hand, if the lands provided by the county are worth less than those the county is to receive, the county will either pay cash to equalize or convey an additional tract of about 160 acres in the Sellers' Meadow area near Hagerman Pass to make up the difference.

A similar measure, Senate bill 100, has been introduced by Colorado's Senators. I think the bill is fair and balanced, and I am not aware of any controversy connected with it. I urge its passage.

Finally, Mr. Speaker, it is clear that the leadership and energy of my colleague from the west slope of Colorado (Mr. SALAZAR), who represents this beautiful part of our State, are a key part of why this bill is in front us today, and I want to commend him for his involvement and ask the other body to take this up with dispatch.

Mr. SALAZAR. Mr. Speaker, H.R. 1129, the "Pitkin County Land Exchange Act", is a good bill that will bring an end to a longstanding land exchange issue.

The proposed exchange will transfer to Pitkin County a key scenic parcel along the Crystal River.

This key parcel is one of the scenic gems of the Roaring Fork Valley and deserves to be protected in its natural state.

Pitkin County, Colorado is an area of intense development and this exchange will help ensure their popular open space preservation efforts can continue.

Not only does this bill have the support of the Pitkin County Commissioners, but also many other community groups.

This land exchange is also in the best interest of the public to help ensure some of the most beautiful pristine areas stay undeveloped.

This is a good bill and I ask my colleagues to support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. RADANOVICH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 1129, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

YOSEMITE NATIONAL PARK PAYMENT AUTHORIZATION

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 136) to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist certain local school districts in the State of California in providing educational services for students attending schools located within Yosemite National Park, to authorize the Secretary of the Interior to adjust the boundaries of the Golden Gate National Recreation Area, to adjust the boundaries of Redwood National Park, and for other purposes.

The Clerk read as follows:

S. 136

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Table of contents.

TITLE I—YOSEMITE NATIONAL PARK AUTHORIZED PAYMENTS

Sec. 102. Payments for educational services.

Sec. 103. Authorization for park facilities to be located outside the boundaries of Yosemite National Park.

TITLE II—RANCHO CORRAL DE TIERRA GOLDEN GATE NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT

Sec. 201. Short title.

Sec. 202. Golden Gate National Recreation Area, California.

TITLE III—REDWOOD NATIONAL PARK BOUNDARY ADJUSTMENT

Sec. 301. Short title.

Sec. 302. Redwood National Park boundary adjustment.

TITLE I—YOSEMITE NATIONAL PARK AUTHORIZED PAYMENTS

SEC. 101. PAYMENTS FOR EDUCATIONAL SERVICES.

(a) IN GENERAL.—(1) For fiscal years 2006 through 2009, the Secretary of the Interior may provide funds to the Bass Lake Joint Union Elementary School District and the Mariposa Unified School District in the State of California for educational services to students—

(A) who are dependents of persons engaged in the administration, operation, and maintenance of Yosemite National Park; or

(B) who live within or near the park upon real property owned by the United States.

(2) The Secretary's authority to make payments under this section shall terminate if the State of California or local education agencies do not continue to provide funding to the schools referred to in subsection (a) at per student levels that are no less than the amount provided in fiscal year 2005.

(b) LIMITATION ON USE OF FUNDS.—Payments made under this section shall only be used to pay public employees for educational services provided in accordance with subsection (a). Payments may not be used for construction, construction contracts, or major capital improvements.

(c) LIMITATION ON AMOUNT OF FUNDS.—Payments made under this section shall not exceed the lesser of—

(1) \$400,000 in any fiscal year; or